

PLANNING BOARD**MEETING MINUTES****JUNE 8, 2006****MEMBERS PRESENT**

Peg Birney
Brian Callahan
Tom Chang
Thomas J. Knips, Chairman
Robert LaColla
Sheila Lahey
Robert J. Rahemba
Joel Sasser
David Stenger

MEMBERS ABSENT**OTHER PRESENT**

John V. Andrews, Jr., P.E., Town Engineer
MaryAnn Johnson for J. Theodore Fink, Town Planning Consultant
Scott L. Volkman, Esq., Town Planning Board Attorney
Edward Erns
Glennon J. Watson, L.S.
Nancy Forest
Daniel P. Simone, P.E., Vice President
Michael Gillespie, P.E.
Joseph Modafferi
Mr. Gaba, Esq.
Timothy O'Brien
Pete Galotti
Reg Walters
Richard Rang, P.E.
Daniel Zalinsky, President

The meeting was called to order at 7:00 p.m. by Thomas J. Knips, Chairman.

Mr. Knips stated that the Hess Station item under signage has been deferred at this time.

MAY 25, 2006 PLANNING BOARD MEETING MINUTES

Mr. Knips stated the Chair will entertain a motion to adopt the May 25, 2006 Planning Board Meeting Minutes as amended. So moved by Mr. LaColla. Seconded by Mrs. Lahey. Motion carried.

DISCUSSION
ROMBOUT VILLAGE

Mr. Erns stated they are looking to expand their parking spaces by removing some parking islands and the trees which were planted in the parking islands. Mr. Erns stated that Mr. Colsey and Mr. Andrews met with their property manager, Mr. Dimmick at the site to look at the parking lot resurfacing. Mr. Erns stated that the on-street parking is creating a problem and they would like to get the cars off the street and on to the site.

FINAL

DISCUSSION
ROMBOUT VILLAGE
(CONTINUED)

Mr. Andrews stated he and Mr. Colsey did meet with Mr. Dimmick at the site. Mr. Andrews stated that there truly is no site plan on file at the Town. Mr. Andrews stated that this is not the first time we have run into having older sites not having sufficient parking. Mr. Andrews stated the trees actually got too big for the islands in the parking lots and that Rombout Village is undergoing an overall program of improvements which includes their drainage system. Mr. Andrews stated that the both he and Mr. Colsey advised that this should come before the Board this evening and that the Board can decide whether this needs to undergo site plan review. Mr. Andrews stated the removal of the islands will allow better snow removal. Mr. Andrews stated he doesn't see the removal of the islands and the additional parking spaces as having a significant impact.

Mrs. Lahey asked how many trees were removed from the islands. Mr. Erns stated there were 13 trees removed and they have replanted 20 trees at this time.

Mr. LaColla asked if the parking currently has curbing. Mr. Andrews stated they currently have asphalt curbing. Mr. Erns stated they have removed the curbing during the resurfacing. Mr. Andrews stated he is under the impression that the curbing is all going back where it was. Mr. Erns stated it will go back but it will not be exactly the same. Mr. Andrews stated it will not be seen from Sterling Street and that the improvements that are being done certainly help.

Mrs. Birney asked Mr. Erns if he wants to increase all the parking spaces to 9'. Mr. Erns stated yes. Mrs. Birney asked what the standard is; Mr. Andrews stated 9' x 18' is the Town standard.

Mr. LaColla stated he believes it is important to state that the curbing be replaced. Mr. Andrews stated if "country" curbing is being put back it, will be fine and will probably be easier on a snowplow in the long run. Mr. Andrews stated the country curb will work with what is on the site and that the towns of East Fishkill and LaGrange are very happy with it.

Mr. Andrews stated Mr. Colsey, the Building Inspector and his position's are that this can be handled with a letter to file but they will be back if they want to improve Sterling Street. Mr. Knips asked that additional details be provided as to what is being replaced for landscaping. Mr. Andrews stated for the record the Board should have something in writing indicating what the landscaping is going to be and that such documentation should be signed by the Homeowners Association. Mr. Erns stated the islands will not remain in the parking lot and they are planting additional trees.

Mrs. Birney asked if the trees should be larger than 2". Mr. Andrews stated the minimum is a 2" diameter, breast high tree in the Town Code.

Mr. Andrews stated the other option here is to open this up to a full site plan review but that is up to the Board.

Mr. Knips stated with a demonstration of an increase in the landscaping he believes that a letter to file would be acceptable.

DISCUSSION
ROMBOUT VILLAGE
(CONTINUED)

Mr. Knips stated that this item will be on the next agenda to discuss the letter and the landscaping details.

REVIEW
LILAC CORPORATION - SUBDIVISION

Mr. Andrews reviewed the Readoption of the Resolution of Preliminary Approval - Subdivision.

Mr. LaColla made a motion that the Board adopt the Readoption of the Resolution of Preliminary Approval and that the Chairman sign it when it is ready. Seconded by Mrs. Lahey. Motion carried.

REVIEWS
STADIUM PLAZA - SIGNAGE

Mr. Knips stated he is recusing himself from this item, appointed Mrs. Lahey, Acting Chair and left the meeting room.

Mr. Andrews reviewed the Resolution of Approval. Mr. Andrews stated the only item he is not sure how Mr. Colsey handled is the business that is taking up two (2) signs. Ms. Forest stated that the tenant understands that they can only obtain one sign and he can possibly go for a variance. Mrs. Birney stated the Board needs to add something that addresses the fact that there is going to be some kind of resolution to the cut-out sign situation.

Ms. Forest stated they are only asking for one (1) sign over each store front. Mr. Simone and Ms. Forest stated the blanks will be same on each store front requiring them and that they will utilize the same colors as the signs which contain verbiage.

Mr. Andrews asked if the Board is requiring that the blanks are filled in and that leaving them with nothing there is not an option. Mrs. Birney stated she heard Ms. Forest state that it is architecturally displeasing to have nothing in blanks. Ms. Forest stated she would like to fill the blanks as it will look like the space is vacant if the blank is not filled.

Mrs. Lahey asked if the preference is to fill the blanks with the same color and same trim. Mr. Simone stated that is fine with him.

Mr. Andrews stated another condition will need to be added indicating that the Board's desire is that all signs are to be filled with a complimentary blank which will be the same color blue with the same gold piping and in the event they are not filled it will have to come back before the Board. Mr. Simone stated that is fine with him.

Mrs. Lahey stated the Chair will entertain a motion that the Board adopt the Resolution of Approval as amended during the course of discussion this evening. So moved by Mr. LaColla. Seconded by Mrs. Birney. Mr. Knips abstained. Motion carried.

FINAL

PUBLIC HEARING
WATERFRONT AT FISHKILL - PHASE V OVERLOOK POINTE
SITE DEVELOPMENT PLAN

Mr. Knips stated he is recusing himself from this item, appointed Mrs. Lahey, Acting Chair and left the meeting room.

The public hearing was called to order by the Board 7:36 p.m. Mrs. Lahey read aloud the Notice of Public Hearing.

Mr. Simone stated the Waterfront at Fishkill project was originally approved by this Board in 1991, the first phase was Avalon View, and subsequent phases that have been developed are Streamside Knolls, Holly Ridge and the Stadium Plaza.

Mr. Simone stated that the applicant is seeking Final Site Development Plan Approval to construct a 256-unit townhouse development of which 18 units are designated and set aside as Affordable with all necessary and customary appurtenant site features. Mr. Simone stated that the parcel for this proposal is located on Brockway Road South, in the RMF-5 Zoning District. Mr. Simone stated the affordable units are similar in style to the market rate units and incorporated in the same buildings. Mr. Simone stated the project is a private HOA and all roads within the development will be private.

Mr. Simone stated one of the issues brought up previously was the access to the existing sewage treatment plant and they have now added an access road. Mr. Simone stated the project encompasses a Greenway Trail which will continue to the River Crest Apartments.

Mrs. Lahey asked if there were any questions, comments or concerns regarding this proposal.

Ms. Barow asked if this is the second public hearing. Mr. Simone stated yes the first one was held in September of 2005. Ms. Barow asked if they have received all their other approvals. Mr. Andrews stated they have received a Preliminary Approval only and they are now seeking a final approval. Ms. Barow stated this is currently a wooded area. Mr. Andrews stated this is not pristine land and most of it was disturbed for the old brick works so it was previously developed land that has been undisturbed for about over 40 years. Ms. Barow asked what the acreage is that will remain undisturbed. Mr. Simone stated it is probably about 15% of the property. Mr. Simone stated the original approvals encompassed conservation areas throughout the projects.

Mrs. Birney asked who is going to maintain the separate access road to the sewage treatment plant. Mr. Simone stated that is still under discussion. Mr. Andrews stated that road is strictly for the Rombout Sewer District and he suspects that the Rombout Sewer District will control it. Mrs. Birney asked if you can walk out through most bedroom levels; Mr. Simone stated yes.

Mrs. Lahey asked if there were any further questions, comments or concerns regarding this proposal. There was no from those in general attendance response.

Mr. LaColla made a motion to close the public hearing at 7:47p.m. Seconded by Mrs. Lahey. Mr. Knips abstained. Motion carried.

FINAL

REVIEW
WATERFRONT AT FISHKILL - PHASE V OVERLOOK POINTE
SITE DEVELOPMENT PLAN & SUBDIVISION

Mr. Andrews stated he does not have a comment memorandum but does have some concerns with stormwater and some minor utility issues. Mr. Andrews stated he would like to obtain permission from the Board to meet with Mr. Simone to review his redline drawings and concerns. It was the consensus of the Board that Mr. Andrews meet with Mr. Simone.

Mrs. Birney asked if the Board will see the changes once they are worked out with the Applicant. Mr. Andrews stated yes.

Mrs. Birney asked if the Board can utilize the Signage Master Plan for Stadium Plaza as an example for future applicants. Mr. Simone stated that is fine.

PUBLIC HEARING
PINE VIEW CONSTRUCTION, LLC - SUBDIVISION

The public hearing was called to order by the Board at 7:54 pm. Mr. Knips read aloud the Notice of Public Hearing.

Mr. Gillespie stated that the applicant is seeking Preliminary Subdivision Approval to combine five (5) lots totaling 1.92 acres and to alter a lot line in order to provide for two (2) building lots. Mr. Vitolo stated that Lot A will consist of 0.99 acres and Lot B will consist of 0.93 acres. Mr. Gillespie stated that the parcels for this proposal are located on Pine View Road in the R-40 Zoning District.

Mr. Gillespie stated the biggest issue is the drainage and they have met with the Town Engineer, the Fire District and Mr. Colsey to try and alleviate any drainage issues. Mr. Gillespie stated Pine View Road is going to be extended 100' and that the cul-de-sac has been modified in accordance with the Fire District's comment and they have modified the driveway location. Mr. Gillespie stated they are proposing to pick up the drainage and run it into a culvert and divert it to the back end of the property which should alleviate a large amount of the run-off on Pine View Road.

Mr. Andrews stated that he, Mr. Scofield and representatives of the Glenham Fire District did in fact meet with Mr. Gillespie. Mr. Andrews stated he believes that the current drainage as proposed will lessen the amount of water that runs down the hill. Mr. Andrews stated the lots comply with zoning and this does comply with the comments given to Mr. Gillespie at their meeting.

Mr. Knips asked if there were any questions, comments or concerns regarding this proposal.

Mr. DeLorenzo of 33 Pine View Road stated he lives just down hill of the proposed development. Mr. DeLorenzo stated his main concern is drainage and as you know when you build on slopes there is erosion and run off to be taken into consideration and there is a steep grade. Mr. DeLorenzo stated he has no opposition to the proposal but his concern is the run off. Mr. DeLorenzo stated that shown his plot plan for his garage is a small catch basin that goes down hill into a 24" galvanized steel drain pipe just past his garage which is extended. Mr. DeLorenzo showed the Board a picture of this area that was taken about one hour ago.

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PUBLIC HEARING
PINE VIEW CONSTRUCTION, LLC - SUBDIVISION
(CONTINUED)

Mr. DeLorenzo stated on May 20, 2006 he hired a backhoe and an operator for \$1,500.00 to reditch this to facilitate drainage and this is an ongoing expense that he has been incurring. Mr. DeLorenzo stated he has lived here for about 20 years. Mr. DeLorenzo stated in reality being an engineer himself he believes the current proposal for drainage needs to be carefully looked at before anything is decided.

Mr. Wilson stated he owns three lots on Pine View Road. Mr. Wilson asked if the driveway proposed is private in the Town right-of-way. Mr. Wilson asked who would maintain the driveway; Mr. Andrews stated up to the right-of-way will be maintained by the property owner. Mr. Steele asked if the driveway will be paved; Mr. Andrews stated yes.

Mr. Wilson asked if he would be able to tie into a driveway with his three (3) lots. Mr. Andrews stated they will need to address this.

Mr. Worthy asked if private wells were going to be used. Mr. Gillespie stated yes. Mr. Steele stated the Fire District does have a tanker which is another option for fire fighting.

Mr. DeLorenzo stated once the driveway area is paved a more significant amount of water is going to be created which will further stress the tiny catch basin. Mr. Gillespie stated Mr. DeLorenzo is correct and he agrees with him. Mr. Gillespie stated what they are trying to do is to pickup the water not only the water on this site but everything else and they are trying to make it a better situation below.

Mrs. Birney asked if there is heavy vegetation on the hill side. Mr. Gillespie stated it is an established forest.

Mr. Rahemba asked the grade on the road. Mr. Andrews stated it is 17% as the current road is 17%.

Mr. Knips asked if there were any further questions, comments or concerns regarding this proposal. There was no response from those in general attendance.

Mrs. Birney stated that the Board should look for a formal tree survey. Mr. Gillespie stated on his plan they do not show the extent of disturbance. Mr. Gillespie stated they can provide some detail as to the disturbance and prevention. Mrs. Birney stated the whole intent is to help the run-off situation.

Mr. LaColla made a motion that the Board close the public hearing at 8:20 p.m. Seconded by Mrs. Lahey. Motion carried.

REVIEW
THE CREST AT FISHKILL - SITE DEVELOPMENT PLAN

Mr. Gaba stated he is with the firm Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC). Mr. Gaba stated they are seeking an approval for amended site plan.

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REVIEW
THE CREST AT FISHKILL - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Andrews stated he was not aware that we were going to discuss amendments to the final site development plan this evening.

Mr. Modafferri stated he handed to the Board this evening a NYSDOT Notice to Permittee and will be having a preconstruction meeting soon.

Mr. Modafferri stated they had a glitch with Central Hudson so they weren't able to submit the lighting plan until this evening.

Mr. Modafferri stated they are looking to amend the site lighting to include an alternative light fixture as he has submitted to the Board this evening. Mr. Modafferri stated this is a different fixture than before but it is a Central Hudson standard issue. Mrs. Birney asked if the original fixture was more decorative; Mr. Andrews stated yes. Mr. Modafferri stated they are looking for an approval for an alternative light so the applicant can continue to meet with Central Hudson.

Mr. Knips asked if you go with the Central Hudson lighting who will control the placement. Mr. Andrews stated the placement of the fixtures is determined by the owner.

Mr. LaColla stated on the cut sheet it shows a translucent top of the fixture is that what is being proposed. Mr. Modafferri stated yes but if that is a problem it can be worked out. Mr. LaColla stated it is his understanding that uplighting is supposed to be eliminated and they should be shielded. Mr. Modafferri stated they will put a shield on the top.

Mrs. Birney asked if they are looking for an approval for an alternate light in addition to the original approved. Mr. Modafferri stated yes.

Mrs. Lahey asked if there is any way that this development will end up with half of one kind of fixture and half of another kind of fixture. Mr. Modafferri stated no it will be all the same type throughout.

Mr. Andrews suggested that lighting is not one of the items that should be an alternate it should be either one kind or another and that this is a unique request.

Mr. Knips asked when the applicant will be in a position to pick the type. Mr. Gaba stated when they meet with Central Hudson and obtain the price then they will decide on the fixture.

Mr. Gaba stated he believes either of the options is what they would like to have the Board agree to an alternate. Mr. Andrews suggested to the Applicant it has never been the custom and practice of this Board to approve more than one fixture. Mr. Andrews stated a final approval has already been granted and the applicant should come back if they decide to go with a new fixture.

Mr. Modafferri stated they have submitted a plan to the Glenham Fire District for the emergency access which was signed by the district last evening.

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REVIEW
THE CREST AT FISHKILL - SITE DEVELOPMENT PLAN
(CONTINUED)

Mr. Modafferi stated the issue with fire access was that they needed a 20' unobstructed way for the fire apparatus to get through and they have provided this in accordance with the Fire District's suggestions.

Mr. Modafferi stated they are proposing a sign identifying the project. Mr. Modafferi stated that Mr. Fink's memorandum dated June 8, 2006 indicates that they like the sign but it is not in accordance with the code. Mr. Modafferi stated he interpreted the code as the lettering being considered as the sign and not the entire wall.

Mr. Modafferi reviewed where the temporary construction trailer would be placed on the site. Mr. Modafferi stated they have provided seven (7) parking spaces, sediment control measures and two (2) temporary signs in accordance with the code which identify the project. Mr. Modafferi stated they are going to propose two (2) spots on the trailer from dusk to dawn. Mr. Modafferi stated they would like to hook up temporary to water and sewer. Mr. Andrews stated that can be done with the proper permits. Mr. Modafferi stated once the trailer is removed the area where it was placed will be returned to its pre-existing condition.

Mr. Knips asked if a time-frame has been defined for the trailer. Mr. Modafferi stated the time-frame has not been identified yet. Mr. Gershwin stated that the agreement with the Katz's is a twelve month initial term or if the Katz's are going to do their site development earlier they have to move it. Mr. Andrews stated the Town Code also ties it into time-frames.

Mr. Andrews stated the Board can approve the location of the trailer now and if they want to move it they will need to come back before the Board.

Mr. LaColla asked if there are any plans for construction fencing on the site and is this strictly a construction trailer. Mr. Gershwin stated yes.

Mr. Knips stated the only real issue left remaining is in terms of the signage. Mrs. Johnson stated the applicant needs to look at the sign code again. Mr. Andrews stated the Chairman's advice to revisit the signage is a good one.

Mr. Davies reviewed the landscaping plan as requested by Mrs. Birney.

Mr. LaColla made a motion that the Board allow the Applicant to place the temporary trailers subject to the Town Code's conditions. Seconded by Mrs. Birney. Motion carried.

Mr. LaColla made a motion that the Board accept the Fire Department Access, curbing and landscaping. Seconded by Mr. Rahemba. Motion carried.

REVIEW
VAN WYCK MEWS – SUBDIVISION & SITE DEVELOPMENT PLAN

Mr. Rang stated he is here this evening for a continuation of the project review and hopefully the Board will entertain issuing a preliminary approval.

Mr. Andrews stated he has been providing redline drawings to the applicant and that they have generally satisfied his comments but they still have some things to satisfy regarding the retaining walls. Mr. Andrews stated they have addressed his concerns layout wise and sees no reason that the Board cannot authorize a draft of a Resolution of Preliminary Approval for the Subdivision and a draft of a Resolution of Preliminary Approval for the Site Development Plan.

Mr. Knips asked if the parking area for the clubhouse is far away enough from the intersection to prevent a queuing issue. Mr. O'Brien stated he will take a look at the topography to see if they can move it a little farther away.

Mrs. Lahey asked if there is going to be a connection to the school property. Mr. Rang stated only a pedestrian access as the topography will not accommodate more than that. Mr. Andrews stated it wasn't the school district's intention to have the properties connect.

Mr. Andrews stated they are going to end up with a Boulevard entry with laid-back Belgian block curb to obtain the 20' width that the fire department needs.

Mrs. Johnson reviewed Mr. Fink's memorandum to the Board dated June 8, 2006; a copy of this memorandum is attached to the original minutes.

Mrs. Johnson asked Mr. Rang if they are intending on utilizing Central Hudson for the lighting. Mr. Rang stated no.

Mr. Knips asked if there are plans indicating where the transformers are going to be. Mr. Andrews stated Central Hudson will not provide an internal layout until the applicant obtains a final approval from the Planning Board. Mr. Andrews stated we have held the project sponsors responsible for not placing the transformers in odd places. Mr. Andrews stated if the Board has specific concerns then they should be addressed. Mr. Knips stated his concern is placement of transformers in the intersections.

Mrs. Johnson asked if Mr. Rang is aware of the new sign code. Mr. Rang stated yes. Mrs. Johnson stated the Board will need full details.

Mr. Marino stated on the access road he asks that a note be placed on the final set of plans that the Homeowners Association will maintain the 20' clearance.

Mr. Rang stated the subdivision plat really has changed. Mr. Andrews stated he will be reviewing the plat further but has no substantial issues with it.

Mr. Andrews stated he would like the Board's permission to meet with the applicant. It was the consensus that Mr. Andrews meet with the Applicant and his representatives.

FINAL

REVIEW
VAN WYCK MEWS – SUBDIVISION & SITE DEVELOPMENT PLAN

Mr. LaColla made a motion that a Resolution of Preliminary Approval – Site Development Plan be prepared for review at the June 22, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that a Resolution of Preliminary Approval – Subdivision be prepared for review at the June 22, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

REVIEW
REGENCY AT FISHKILL - SITE DEVELOPMENT PLAN & SUBDIVISION

Mr. Rang stated he is here this evening for a continuation of the project review and hopefully the Board will entertain a preliminary approval.

Mr. Rang presented a drawing showing the gated entrance to the site.

Mr. Andrews stated he does not have a memo but does have some technical issues that are not that substantial.

Mr. Andrews stated they have addressed most of his concerns with respect to layout, drainage, etc. Mr. Andrews stated he sees no impediment in the Board considering preliminary approval for the Site Development Plan and Subdivision.

Mr. Andrews stated he would like the Board's permission to meet with the applicant. It was the consensus that Mr. Andrews meet with the applicant and his representatives.

Mrs. Johnson reviewed Mr. Fink's memorandum to the Board dated June 8, 2006; a copy of this memorandum is attached to the original minutes.

Mr. Walters stated they have added stairs on every second unit for access to the path in response to item number 3 on Mr. Fink's memorandum. Mr. Marino stated he just wants the applicant to be sure that the width between the buildings, path and wall will not hamper fire fighting apparatus.

Mrs. Birney asked if people from the existing hotels can just walk on to the path on this site. Mr. Rang stated they can if they really want to.

Mr. Rang stated they are going to obtain an easement from KFC so that they can relocate the sidewalk for the left-turn lane. Mr. Knips suggested arriving at a layout that does not have street lamps in the middle of the sidewalks. Mr. Rang stated they will talk to the owner if the Board would like to offer some additional green space between the curb and the sidewalk. The Board agreed with Mr. Rang.

Mrs. Birney asked who would be responsible for maintaining the green. Mr. Andrews stated it will be under the maintenance of the Maintenance Association.

REVIEW
REGENCY AT FISHKILL - SITE DEVELOPMENT PLAN & SUBDIVISION
(CONTINUED)

Mr. LaColla made a motion that a Resolution of Preliminary Approval - Site Development Plan be prepared for review at the June 22, 2006 Planning Board meeting. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that a Resolution of Preliminary Approval - Subdivision be prepared for review at the June 22, 2006 Planning Board meeting. Seconded by Mr. Rahemba. Motion carried.

Mr. LaColla made a motion to go into an attorney client meeting. Seconded by Mr. Rahemba.

Mr. LaColla made motion to resume the regular order of business. Seconded by by Mr. Rahemba. Seconded. Motion carried.

OTHER ITEMS DISCUSSED

MCDONALD'S RESTAURANT
AMENDED SITE DEVELOPMENT PLAN

Mr. Volkman stated the Board can consider making a motion to reconsider the previous Resolution of Preliminary and Final Approval - Amended Site Development Plan for McDonald's Restaurant at the Dutchess Mall which was voted on and effectively denied at the May 25, 2006 Planning Board meeting.

Mr. LaColla reviewed Mr. Colsey's e-mail to the Board dated June 8, 2006. Mr. LaColla stated he believes if the Board decides to reconsider the Resolution of Preliminary and Final Approval that they can authorize Mr. Colsey to Draft such a Resolution.

Mr. Volkman suggested that the Board can entertain the following:

Whereas, an application for an Amended Site Development Plan was submitted to the Planning Board of the Town of Fishkill by Trefz Corp., the Project Sponsor and is identified as Application No.: 05-15;

Whereas, on May 26, 2006 the Town of Fishkill Planning Board considered a Resolution of Preliminary and Final Approval for an amendment to the Site Development Plan for the McDonald's Restaurant at the Dutchess Mall;

Whereas, with five (5) members of the Planning Board present, the vote was three (3) in favor of Resolution and two (2) opposed to the Resolution;

Whereas, as the result of a failure to obtain an affirmative vote of a majority of the Town of Fishkill Planning Board as fully constituted the Resolution was deemed denied;

Whereas, on June 4, 2006 the project engineer on behalf of the project sponsor submitted information to the Municipal Development Director highlighting three (3) issues of concern as follows: (

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MCDONALD'S RESTAURANT
AMENDED SITE DEVELOPMENT PLAN
(CONTINUED)

- Light pipe roof beams will be allowed with the lowest light level possible, which will remain the 175 watt metal halide lamps as currently proposed.
- My Client will pursue a variance for the relocation of the McDonald's sign currently facing the Home Depot to the building side facing Route 9.
- My Client will be allowed to proceed with the storm improvements with concurrence with John Andrews, PE and the Town Building Inspector.

Whereas, the Planning Board has considered the June 4, 2006 submittal which suggests a change of circumstances and a change of facts as it pertains to roof lighting, signage and stormwater improvements; and

Now Therefore Be It Resolved, that the Planning Board of the Town of Fishkill acknowledges the changed facts and circumstances as set forth above and authorizes the reconsideration of the Resolution of Preliminary and Final Approval - Site Development Plan for McDonald's Restaurant at the Dutchess Mall.

Mr. LaColla made a motion that the Board adopt the resolution as suggested by Mr. Volkman this evening. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion that the Board direct Mr. Colsey to contact the applicant indicating that a photometric plan must be submitted for the roof lighting and that Mr. Colsey draft a Resolution of Preliminary and Final Approval, such resolution will include a clarification that the signage for the site be the original signage that was for signage facing Route 9 and the "M" in the window that was proposed by them. Seconded by Mrs. Lahey. Motion carried.

Mr. LaColla made a motion to close the meeting at 10:45 p.m. Seconded by Mr. Rahemba. Motion carried.

Respectfully submitted,
Debbie Davis
Planning Board Secretary

Attachments to the original minutes

FINAL